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SUBJECT: Zimbabwe: Measuring Progress

CLASSIFIED BY: Charles Ray, Ambassador, State, EXO; REASON: 1.4(D)

INTRODUCTION

¶1. (C) The coalition government is now one year old. As the U.S. examines further engagement with Zimbabwe, post would like to suggest the Hague Principles agreed to in late 2007 as benchmarks for examining progress, and we offer our evaluation of progress from that time until the present. The Hague principles are: 1) Full and equal access to humanitarian assistance; 2) Commitment to macroeconomic stabilization in accordance with guidance from relevant international agencies; 3) Restoration of the rule of law, including enforcement of contracts, an independent judiciary, and respect for property rights; 4) Commitment to the democratic process and respect for human rights, including a commitment to freedom of expression, freedom of print and broadcast media, freedom of assembly, and freedom of association; 5) A commitment to timely elections held in accordance with international standards, and in the presence of international election observers. It would be misleading, however, to look strictly at static benchmarks. As Prime Minister Morgan Tsvangirai and his party continue to tell us, what counts is the continued process to open democratic space in Zimbabwe, not day-to-day headlines that mask seemingly sustainable achievements. Finally, given significant gridlock in government resulting from the inconvenient marriage between ZANU-PF and MDC-T (MDC-M's role is increasingly insignificant), real change is impossible until there is an election that brings a reform government to power. END INTRODUCTION.

Background

¶2. (SBU) A group of bilateral donors and international agencies met in the Hague on October 2, 2007 and agreed on a principles-based approach to reengagement with the government of Zimbabwe. At that time, SADC was facilitating talks between the parties regarding the holding of elections. President Robert Mugabe pushed for elections in 2010. An agreement was ultimately reached to hold elections in March 2008. The run up to the elections was mostly free of the violence and intimidation that had characterized earlier elections. With some exceptions, the MDC

factions were allowed to campaign throughout the country and hold rallies. Repressive laws, such as the Public Order and Security Act (POSA), were not used for the most part to stifle freedom of assembly. Zimbabweans were allowed access to humanitarian assistance during this period. ZANU-PF, confident of victory, permitted a relatively fair election, and the result was that the MDC factions gained a majority in parliament, Morgan Tsvangirai won an official plurality of the presidential vote (ZANU-PF fraud likely prevented him from winning a majority) and a run off presidential election was set for June. From April until the June 27 election, ZANU-PF unleashed its repressive machinery. Over 200 people were killed, thousands were beaten, and political space was completely closed. In June, to make its point, the government suspended NGO operations, curtailing the ability of many to provide humanitarian assistance.

13. (SBU) Mugabe was declared the winner of the June election which took place even though Tsvangirai pulled out when it became evident a couple of weeks before that many of his supporters were afraid to vote. In July 2008, SADC-sponsored negotiations between the parties began. Mugabe was forced to the negotiating table for two reasons: He lacked legitimacy, as even his SADC friends refused to recognize his victory; and the economic situation, marked by an inflation rate then in the billions, was unsustainable. The Global Political Agreement (GPA) was reached in September, but ZANU-PF-sponsored violence continued during negotiations, and in October security forces began a series of abductions of MDC-T

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officials and civil society activists, including Jestina Mukoko. A number of these individuals were in custody even after the new government was formed in February 2009.

Full and Equal Access to Humanitarian Assistance

14. (SBU) Continuum of humanitarian access:

- A) NGO field activities banned (June-August 2008)
- B) NGOs permitted to operate but closely monitored and controlled, and subject to threat (April-June 2008)
- C) NGOs generally permitted to operate but some reports of disruptions, other harassment (September 2008-present)
- D) Completely unimpeded humanitarian access

15. (SBU) Although ZANU-PF continues to allege that NGOs and donors are involved in politics, since the lifting of the NGO ban in August 2008, humanitarian access to vulnerable populations has been generally good. International and local NGOs have generally been able to move freely and deliver services unimpeded during a period of increased programming. (NOTE: There have been isolated reports of discrimination against MDC-T members in the distribution of food assistance. END NOTE.) Work permits and operational agreements have been processed. The government has put into place

a policy and process of donor coordination that remains slow but generally reflects international standards.

¶16. (SBU) Organizations such as the International Organization for Migration and UN High Commissioner for Refugees continue to encounter government sensitivities regarding populations of displaced farm workers, and a an unknown number of undocumented people from other countries; most notably Malawi, but in general are able to gain access to them and provide assistance. A significant milestone was the August 2009 Joint GOZ-Donor IDP assessment.

¶17. (SBU) Regular crop assessments have been conducted. Food and cash transfer programs during the hungry season have proceeded without political interference.

¶18. (SBU) The Ministry of Health's collaboration with the World Health Organization and other donors to manage H1N1 in Mutare and its swift response to suspected cholera cases in Chipinge in September reflects an improvement in delivery and transparency.

Commitment to Macroeconomic Stabilization

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¶19. (SBU) Continuum of macroeconomic stabilization

A) Complete lack of fiscal and monetary discipline, controls on foreign exchange (November 1997-January 2009)

B) Fiscal and Monetary discipline, confidence in sustainability of policy limited by political factors (February 2009-present)

C) Fiscal and monetary discipline, policy commitment credibility

¶10. (SBU) Following hyperinflation that reached over a trillion percent, Zimbabwe introduced a multi-currency system at the end of January, 2009 and the Zimbabwe dollar almost immediately became a relic of the past. The resulting end of inflation has resulted in a significant measure of macroeconomic stability. Expectations of inflation are minimal, there is no fiscal deficit to speak of, and the economy is growing (though slowly) for the first time in more than a decade.

¶11. (SBU) Macroeconomic stability is sustainable provided MDC-T continues to control the Ministry of Finance and the Reserve Bank of Zimbabwe is held in check and not allowed to undermine the banking system. To move beyond stabilization to recovery and long-term growth, Zimbabwe needs a lower risk profile (to attract commercial credit and investment) and multilateral concessional loans (to resolve the GOZ's debt crisis and put the public sector back on its feet). Neither of these things will happen until new elections give Zimbabwe a government able to make credible policy

commitments.

Restoration of the Rule of Law

¶12. (SBU) Continuum of Rule of Law

A) Judiciary completely compromised, political arrests frequent, property rights not protected (2005-May 2009)

B) Judiciary compromised but occasionally rules against the state, political arrests occasional, property rights not protected (June 2009-present)

C) Judiciary somewhat independent, infrequent political arrests, property rights somewhat protected

D) Independent judiciary, no political arrests, property rights enforced

¶13. (SBU) This is perhaps the most problematic area. On the positive side, there are no political detainees, with the possible exception of three MDC members charged with the alleged murder of a

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ZANU-PF councilor in Banket . Politically motivated prosecutions have greatly decreased. There are occasional judicial judgments against the State. For example, the Supreme Court recognized that Jestina Mukoko had been tortured by state agents and ruled that her case should be stayed, effectively dismissing it. A High Court Judge ruled that the Zimbabwe Minerals Development Corporation and its partners had illegally taken over claims in Chiadzwa belonging to African Consolidated Resources. On the negative side, farm invasions have continued to take place, some accompanied by violence, and neither government ministers nor the police have made sufficient efforts to stop this lawlessness. In fact, invasions are treated as political rather than legal matters. In a similar vein, when the SADC Tribunal ruled against the government in a case brought by white commercial farmers, the Minister of Justice, with typical pettifoggery, argued that Zimbabwe had not bound itself to the Tribunal. Although prosecutions have declined, police continue to arrest demonstrators, particularly members of Women of Zimbabwe Arise (WOZA).

¶14. (C) The biggest obstacles to Rule of Law are institutional. Minister of Justice Patrick Chinamasa is close to Mugabe and is a political partisan rather than an independent lawyer. Similarly, the Attorney General carries ZANU-PF's water. He has been responsible, albeit with guidance from Chinamasa and others, for political prosecutions. He is personally prosecuting Roy Bennett in a case where there is clearly insufficient evidence; Mugabe has made it clear Bennett cannot be sworn in as deputy minister of agriculture unless and until he is acquitted. The Chief Justice of the Supreme Court is a Mugabe acolyte who replaced the former chief justice after he was forced to resign in 2001 by war veterans who threatened him and by Chinamasa who said he could not guarantee his safety. Most judges are compromised by having received farms from

the government. Police independence supposedly depends on oversight from the Ministry of Home Affairs. But this ministry, which has ZANU-PF and MDC-T co-ministers, is heavily influenced by the ZANU-PF minister and ZANU-PF bureaucracy, including the permanent secretary. And the commissioner of police, who is supposed to report to the Ministry, does not. He sits on the Joint Operations Committee, which formulates and implements policy, with leaders of the military who are loyal to Mugabe. The military is a power unto itself, and is not subject to civilian control, other than perhaps to Mugabe. The military was responsible for a rash of killings and beatings in the Chiadzwa diamond fields in 2008 and 2009.

15. (C) Until the top officials charged with justice and law and order responsibilities are replaced, and there is a commitment to a credible and internationally recognized legal framework, it is unlikely that we will see much additional progress in Rule of Law. And it is unlikely these officials will change until there is a new government. (COMMENT: A budgetary process that allows adequate compensation for judges, according to Finance Minister Biti in a conversation with a visiting CODEL, would also aid in re-establishing the independence and credibility of the judiciary. Currently, when lawyers are appointed to the bench, they suffer a decline in income that makes them susceptible to bribes and coercion. END COMMENT) The National Security Council, whose membership includes the president, prime minister, and service chiefs, met for only the second time this month since the formation of the government. As noted the JOC continues to function, and there is no evidence that transparent civilian control of the military will occur any time soon. With respect to land reform, nobody, including the MDC, has called for a reversal. But it is evident that land reform has benefitted primarily high-level ZANU-PF and military officials, and not those for whom it was intended. The GPA calls for a land audit as a prerequisite to eliminating multiple farm ownerships and more equitable distribution. So far, ZANU-PF has obstructed efforts for an audit, either on the basis that there is no money to fund it, or with the fatuous argument, made by the Minister of Agriculture to the Ambassador (Ref), that until sanctions are lifted land inputs are unavailable, land cannot be developed to its potential, and it is therefore impossible to assess its true value for purposes of an audit.

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Commitment to the Democratic Process and Human Rights

16. (SBU) Continuum of human rights

A) Ruling party holds on to power at all costs, human rights ignored, national independent media restricted, international journalists banned (2002-September 2008)

B) Ruling party negotiates potentially significant power sharing, human rights ignored, national independent media restricted, international journalists banned (September 2008-February 2009)

C) Ruling party enters into coalition government, cedes positions but holds on to power, human rights violations continue but become less frequent, national independent media restricted,

some international journalists permitted to return (February 2009-present)

D) Coalition government functioning with imperfect but significant power sharing, few human rights violations, some prosecutions of violators, new media authority authorizes independent media (possible to achieve in short term)

E) GPA fully implemented with real power sharing, and the potential for periodic transfer of power based on free and fair elections, constitutional revision on track with popular participation, no impunity for human rights violators, freedom of print and broadcast media

¶17. (SBU) Political violence has greatly decreased since the signing of the GPA, and in particular during the last year. There is less political intimidation, although we continue to receive reports from some rural areas that ZANU-PF supporters are exerting pressure on villagers to support the party's position in the constitutional process. Although POSA, which has been used to restrict freedom of assembly, has not been repealed, political space has increased. MDC-T has held rallies around the country and has traveled to areas it could not have a couple of years ago. (NOTE: We have reports from several areas of MDC-T members being arrested, and quickly released, for trying to organize in connection with the constitutional process. They were not abused and it is unlikely the State will prosecute them. Additionally, efforts by a theatre group to perform a play promoting national reconciliation were obstructed by ZANU-PF authorities in some venues in Mashonaland. END NOTE.) An MDC-T MP has introduced a bill in Parliament to repeal POSA. Although passage of the bill is unlikely given Mugabe's veto power, the fact of its introduction is an important step.

¶18. (SBU) Weekly independent newspapers continue to publish and international news organizations such as the BBC and Al Jazeera have been allowed to operate openly, even after broadcasting reports critical of ZANU-PF. A Media Commission that will inter alia license print media has been formed but not yet officially established. The functioning of the Commission and licensing of independent daily papers would be important steps in establishing freedom of expression. There is considerable criticism of ZANU-PF in the independent Zimbabwean press, although the recent defamation

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charges brought against distributors of the Zimbabwean for allegedly falsely reporting on a meeting involving ZANU-PF strongman Emmerson Mnangagwa demonstrate limitations on freedom of the press.

¶19. (SBU) Parliament, which until 2008, was mostly a rubber stamp for Mugabe, has a fragile MDC majority and has begun to operate in an independent and sometimes bipartisan way. Co-chairs from the three political parties head the process to draft a new constitution. Parliamentary committees have begun to exercise oversight functions. For example, the Portfolio Committee on Mines and Energy, chaired by a ZANU-PF MP, has been calling witnesses to investigate government actions in Chiadzwa.

¶22. (SBU) Continuum of commitment to elections

A) Elections stolen blatantly, including through violence and intimidation (2002, June 2008)

B) Election results manipulated but not successfully stolen (March 2008)

C) Independent election committee named (could be achieved soon)

D) Voter rolls audited and cleansed

E) Unfettered voter education permitted

F) International election observers invited

G) Free and fair elections held

¶20. (SBU) According to the GPA, a new constitution was to be drafted and submitted to a referendum within 18 months of the formation of the government (February 2009). Although not specified in the GPA, it was understood that elections would take place after the adoption of the new constitution which would presumably address the timing and process of new elections. The constitutional process is proceeding fitfully and behind schedule, but it is proceeding.

¶21. (SBU) More important than scheduling elections are institutions and an environment that will permit fair elections. An important step would be the establishment of an independent electoral commission to set the ground rules and ensure that NGOs can freely participate in voter education. The leaders of the parties have agreed on members of the Electoral Commission and

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reportedly on the chair, an independent Zimbabwean judge now working in Namibia. The Commission has not yet, however been officially announced. Another important step would be the revision and cleansing of the voter rolls. The long-serving Registrar of Voters is a ZANU-PF stalwart who cannot be expected to assist in such efforts. Finally, the presence of international election observers, before, during, and after the election, is essential.

MDC-T's View

¶23. (C) The U.S. and other Western countries tend to look at benchmarks, or single events, as signs of progress. MDC-T is concerned less with events than what it sees as a continuing process of change. Therefore, while it believes the GPA is deadlocked-Mugabe and ZANU-PF refuse to appoint governors and remove Reserve Bank of Zimbabwe governor Gideon Gono and Attorney General Johannes Tomana-MDC-T leaders in government are able to use their positions to generate incremental change. Tsvangirai is prime minister and, although his powers are limited, he represents MDC-T and reform-minded Zimbabweans on the world stage. MDC-T and MDC-M have half the ministries, including the all-important finance ministry. Gono's wings have been clipped and the economy stabilized. In general MDC-T believes that the process is irreversible-and the longer it can influence the GOZ from the inside, the more likely democratic gains will persist (COMMENT: While it is possible that Tsvangirai's view that the process is irreversible might be somewhat naC/ve, it does appear sustainable. END COMMENT).

¶24. (C) MDC-T's strategy is thus two-pronged. It will declare GPA negotiations deadlocked and push for elections. Realizing this depends on ZANU-PF taking the same position-under the current Constitution elections would not be held until 2013-and that elections may not take place in the near term, MDC-T will seek additional Western assistance, and seek progress in reengagement with international financial institutions (IFIs). Accordingly, MDC-T Minister of Finance Tendai Biti, MDC-T Minister of Constitutional Affairs Eric Matinenga, and MDC-M Minister of Education David Coltart, in recent visits to the U.S. have noted progress made under the coalition government. MDC-T believes that Zimbabwe's economy cannot grow significantly without Western and IFI assistance. If the economy improves, in MDC-T's opinion, it will get the credit; if it does not, ZANU-PF will blame MDC-T.

On the Ground

¶25. (SBU) After the 2008 electoral violence and political uncertainty, and with continuing economic instability marked by hyper inflation, the formation of the coalition government was widely supported by the Zimbabwean people. The large decline in violence has been particularly welcomed, although, as noted, ZANU-PF machinery is still in place and there is fear it could be reactivated. In Harare and other cities, goods are once again available in stores (although many cannot afford them), gas is available, and there has been a noticeable increase in traffic. Unemployment remains incredibly high and unfulfilled expectations of higher wages by civil servants have resulted in a strike. But there is still an energy in urban areas that was not present a year ago, and a sense that people are better off.

¶26. (SBU) The economic buzz does not exist in rural areas.

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Schools are not functioning, and there is a lack of cash to buy whatever goods are available. There is a feeling that things are better, however, if only because the threat of violence has greatly diminished.

COMMENT

¶27. (C) The GPA continues to be a focus of attention among Zimbabwe watchers, and Gideon Gono and Roy Bennett--and to a lesser extent Tomana--have become familiar names, symbolic of the deadlock. But to focus only on them would be to lose sight of the progress that has been made on the humanitarian, economic, and political fronts, particularly since March 2008, and in the words of Finance Minister Biti, to divert energy from the strategic picture. And we believe we will continue to see more, albeit slow and fitful, change. Fundamental, institutional change, however, will be dependent on two things: new elections that result in a government dedicated to reform -- the earliest that could happen would be 2011, but it is likely elections will not take place until 2012 or 2013 -- and the development of enduring institutional structures that are the true underpinnings of a representative democratic society. END COMMENT.

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